

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissued Patent of:)	
)	
Applicants: Garth W. Gobeli)	
Alan J. Leszinske)	Confirmation No. 9593
)	
Patent No. RE39,642)	August 23, 2007
)	
Serial No. 10/725,361)	
)	
Issue Date: May 22, 2007)	
)	
File Date: December 1, 2003)	
)	
For: Spatial Light Modulator)	
and Method)	
)	
Docket No. : 5537-RE-01)	
)	
Customer No.: 33136)	
)	

REQUEST FOR SUBSTITUTE REISSUE PATENT FOR RE39,642

OR FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. 1.322, patentee's assignee, Mr. Alan J. Leszinske, respectfully requests the following correction to Reissued Patent US RE39,642 E, to be made of record in the records of patents.

Please change inventive entity via issue of a corrected patent pursuant to 37 C.F.R. 1.322(b) to reflect the intent of the previous allowed Reissue application.

In the alternative, please correct the inventive entity, as submitted in attached form PTO/SB/44, and attach a printed copy of the PTO/SB/44 to each printed copy of the patent, considering such certificate to be part of the record.

Remarks begin on page 3 of this submission.

REMARKS

Applicant filed the reissue application 10/725,361 for patent 5,768,003 (referred to hereinafter as the “‘003 patent”) to correct the inventorship of the issued ‘003 patent. The original inventive entity included Garth W. Gobeli, however the true inventive entity is Garth W. Gobeli and Alan J. Leszinske, both of Albuquerque, NM. Applicant Alan J. Leszinske complied with the requirements of 35 U.S.C. 251, 37 C.F.R. 1.172, 37 C.F.R. 3.73(b), and MPEP sections 1481 and 1412.04, to submit the correction in the form of a reissue application.

An Issue Notification was mailed from the United States Patent and Trademark Office on May 2, 2007 citing the reissue patent no. RE39642 and properly stating:

APPLICANT(s) []:
Garth W. Gobeli, Albuquerque, NM;
Alan J. Leszinski, 5012 Copper Blvd., NM;

Although it is noted that the USPTO misspelled “Leszinske”, the Reissued Patent (US RE39,642 E) only reflects the true Assignee change, and fails to reflect the true inventive entity as corrected by the reissue application 10/725,361 and corresponding to the Issue Notification mailed by USPTO dated May of 2007. The Reissued Patent thus fails to incorporate the changes made in the reissue application and acknowledged by the USPTO in the Issue Notification; this omission appears to be an Office Mistake (35 U.S.C. 254).

Thus, on the title page of RE39,642, item (75) reads “Inventor: Garth W. Gobeli, Albuquerque, NM (US)”; that line does not include the true inventive entity or a complete list of the applicants. We respectfully request the Director to issue a corrected patent as the most appropriate resolution of the error, without expense to the patentee (37 C.F.R. 1.322(b), *See also*


35 U.S.C. 254 in relevant part, "The Director may issue a corrected patent without charge").

Should the Director not deem this procedure appropriate, applicant respectfully requests the attached Certificate of Correction to be appended to the file to denote the true inventive entity.

Applicants discovered this omission only after US RE39,642 E issued. Applicants believe that upon a complete review of the record, the change in inventive entity was clearly disclosed, accepted by the USPTO, and was the purpose for filing the Reissued patent application. Applicant hereby respectfully requests the issue of a corrected patent, or instead, a Certificate of Correction to the record, to reflect the true inventive entity as denoted in the file of the reissue application 10/725,361.

Respectfully submitted,

CAHILL, VON HELLENS & GLAZER P.L.C.



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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

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PATENT NO. : RE39,642

APPLICATION NO.: 10/725,361

ISSUE DATE : May 22, 2007

INVENTOR(S) : Garth W. Gobeli and Alan J. Leszinske

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the title page, item (75) should be:

Inventors: Garth W. Gobeli; Alan J. Leszinske, both of Albuquerque, NM (US).

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Cahill, von Hellens & Glazer P.L.C.
155 Park One, 2141 E. Highland Avenue
Phoenix, Arizona 85016

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.